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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,684	03/28/2001	Craig S. Rendahl	47382.000122	3283

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/818,684	Applicant(s) RENDAHL ET AL.	
	Examiner Brian J. Broadhead	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42,54,59-65,67-79,81-86 and 88-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42,54,59-65,67-79,81-86 and 88-104 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 42, 54, 70, 71, 84, and 88-103 is withdrawn in view of reconsideration of the cited prior art.

Claim Objections

2. Claims 93 and 94 are objected to because of the following informalities: The claims do not recite any method steps even though they are method claims. The claims recite limitations that are items of information or how information is configured.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 88-104 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims recite a "custody log" and making several entries in this custody log. There is not a custody log disclosed in the specification. There are a couple of other logs disclosed in the specification. In claim 89, it is disclosed a "first entry" is made to the custody log, but in claim 88, "one or more corresponding entries" have already been made. The same applies to claims 95 and 96. How is that possible? The specification does not disclose custody information as

containing at least one time entry that the record was "accessed". The specification fails to describe what is entailed in making the custody log able to be used in a legal proceeding.

5. Claims 89-94 and 96-103 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims recite a "custody log" and making several entries in this custody log. There is not a custody log disclosed in the specification. There are a couple of other logs disclosed in the specification. In claim 89, it is disclosed a "first entry" is made to the custody log, but in claim 88, "one or more corresponding entries" have already been made. The same applies to claims 95 and 96. How is that possible? The specification does not disclose custody information as containing at least one time entry that the record was "accessed". The specification fails to describe what is entailed in making the custody log able to be used in a legal proceeding and how to make it acceptable for a legal proceeding.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 88, 93, 94, 95, 100, 101, 102, 103, and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al., 5948038, in view of Jack et al., 5719396.

8. Daly et al. disclose providing a custody log for maintaining custody information that corresponds to the at least one record, and evaluating the at least one record and creating one or more corresponding entries in the custody log on lines 31-47, on column 10 and lines 32-66, on column 9; matching the at least one record with pre-stored information relating to the at least one vehicle and creating one or more entries in the custody log on lines 27-33, on column 8; the custody information including an identity of at least one person who accesses the at least one record and a time entry that indicated when the at least one record was accessed on lines 31-32, on column 10; the custody log is configured to be used as evidence in a legal proceeding is functional language that Daly et al. is capable of; conducting at least a first data processing step and creating a first corresponding entry in the custody log and conducting at least a second data processing step and creating a second corresponding entry in the log, and the custody log indicates each person that had custody of the record during the first and second data processing steps on lines 31-47, on column 10, and lines 32-66, on column 9; enabling the at least one record to be edited, wherein enabling the at least one record to be edited includes enabling an indicator of traffic patterns that pass the remote sensing device to be encoded in that at least one record on lines 20-25, on column 5; obtaining at least one vehicle image at the remote sensing device, the image including the license plate, determining license plate data from the plate image, and transferring the license plate data to at least one record on line 58, on column 5, through line 9, on

column 6. Daly et al. does not disclose obtaining the at least one emissions record that corresponds to the at least one vehicle. Jack et al. teaches obtaining the at least one emissions record that corresponds to the at least one vehicle on lines 47-55, on column 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor of Jack et al. in the invention of Daly et al. because such modification would provide an integrated evidentiary record for traffic violation enforcement purposed. Emissions are a traffic regulation just like needing to have a license plate, or safety inspection and one of ordinary skill would readily recognize that these are the same field of invention and useable together.

9. Claims 42, 54, 59, 60, 61, 62, 63, 64, 65, 67-69, 70, 71, 72, 73, 74-77, 78, 79, 81, 82, 83, 84, 85, 86, 89-92, and 96-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al., 5948038, in view of Jack et al., 5719396 as applied to claims 88, 93, 94, 95, 100, 101, 102, 103, and 104, above, and further in view of Stedman et al., 5319199.

10. As per claims 42, 54, 59, 60, 61, 62, 63, 65, 67-69, 71, 72, 73, 74-77, 79, 81, 82, 83, 85, 86, 89-92, and 96-99, Daly et al. and Jack et al. disclose the limitations as set forth above. Daly et al. also discloses the at least one record is forwarded to a remote processing station on lines 19-45, on column 8; the license plate data is determined from a automatic license plate reader on lines 63-65, on column 5; enabling the at least one record to be edited includes verifying that the license plate image matches the license plate data determined by the automatic license plate reader on lines 10-15, on column 8; enabling the at least one record to be edited includes specifying a license

plate type on line 13, on column 5; enabling an inaccuracy in the license plate data to be corrected on lines 45-54, on column 9; wherein the license plate type comprises an obscured license plate, state license plate, and out of state plate on lines 3-4, on column 10, and lines 12-15, on column 2; including vehicle speed in the at least one record on lines 33-34, on column 5; data validating means that validates the license plate data on lines 64-66, on column 9; matching the at least one record with the owner registration records and creating an entry in a custody log on lines 30-32, on column 8, and lines 31-32, on column 10; archiving the records on lines 35-37, on column 8.

11. Daly et al. and Jack et al. do not disclose evaluating the received data included in the one or more records based on a predetermined reliability criteria, determining a category for pre-selected data included in the one or more records, wherein the corresponding category indicates a reliability for the associated record; and excluding records from subsequent processing if the corresponding category indicates that the associated record is unreliable; and deleting excluded records.

12. Stedman et al. teaches evaluating the received data included in the one or more records based on a predetermined reliability criteria, determining a category for pre-selected data included in the one or more records, wherein the corresponding category indicates a reliability for the associated record; and excluding records from subsequent processing if the corresponding category indicates that the associated record is unreliable on line 66, on column 9, through line 2, on column 10. Stedman et al. teaches ignoring the excluded records but deleting the records is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use the reliability checking of Stedman et al. in the invention of Daly et al. and Jack et al. because such modification would provide reasons for rejecting records as stated on lines 1-15, on column 10, of Daly et al. Information validating and error correcting is a necessary part of any invention and one of ordinary skill would look for way to stop incorrect violations from being sent out. Deleting unreliable records is a design choice within the ordinary skill of one in the art. If there were no need to go through and determine why the errors happened then the record would be unnecessary.

13. As per claims 64, 70, 78, and 84, Daly et al., Jack et al., and Stedman et al. disclose the limitations as set forth above. They do not disclose using a GUI, or the plate type is one of a tractor-trailer, motorcycle, or bus plate. It is disclosed in Jack et al. that the editing is done through some type of computer interface. Official notice is given that graphic user interfaces are well known in the art and the advantages of using them are known. Daly et al. discloses determining vehicle type on line 32, on column 8, but doesn't disclose changing the plate type to reflect this information. This is a design choice within the skill of one of ordinary skill in the art and it would be an expected result. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a graphic user interface and different plate types in the invention of Daly et al., Jack et al. and Steadman et al. because such modification would provide a simpler and a more user-friendly interface and because it would be a design choice. The GUI would also allow the use of standard computer hardware, which would lower costs.

Response to Arguments

14. Applicant's arguments with respect to claims 42, 54, 59-65, 67-79, 81-86, and 88-104 have been considered but are moot in view of the new ground(s) of rejection. The arguments by applicant in the paper filed on 7/21/04, makes the argument that Stedman et al. does not continue processing after excluding the record from processing. Daly et al. does disclose further processing in the form of sending out a violation notice. Daly et al. also discloses attaching traffic data to the record.

Conclusion

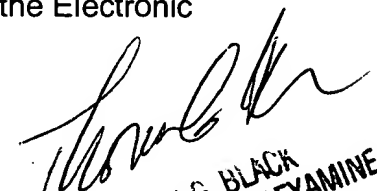
15. In view of the new grounds of rejection this office action is non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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